

Judge: Timothy W. Dore
Chapter 13
Location: U.S. Bankruptcy Court
700 Stewart St, Courtroom 8106
Seattle, Washington 98101
Date of Hearing: June 5th, 2013
Time: 9:30am
Response Date: May 29th, 2013

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

Andrew Drake and Lisa Cho Drake

Debtors

Chapter 13 Bankruptcy

No.13-12707 TWD

REPLY TO CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION

COMES NOW Debtor, Andrew Drake and Lisa Cho Drake through their attorney
of record, James Vasquez of In Pacta PLLC, and reply to the Chapter 13's Objection to
Confirmation.

RELIEF REQUESTED

Debtors request that the 2nd Amended Plan filed on May 24th, 2013 be confirmed

EVIDENCE RELIED UPON

Declaration of Andrew Drake, Declaration of James Vasquez, and the documents
REPLY

Page 1 of 3

IN PACTA PLLC
801 2nd Ave Suite 307
Seattle, Washington 98104
(206) 709-8281
(206) 860-0178 (fax)

1 on file with the court.

2 REPLY

3 Trustee objects on two basis (1) alleged non-filing of tax returns for years 2011
4 and 2012; and (2) immaterial issue with clarity at Section IV.E.2.b.

5 First, Trustee objection relies upon the IRS' proof of claim (#1) (filed on March
6 29th, 2013) well before the May 6th, 2013 meeting of creditors. The supporting document
7 filed by the IRS is no longer accurate with respect to the returns not being filed. There
8 would have been no 2012 return filed on March 29th (filing date for proof of claim) since
9 the deadline for filing 2012 returns was April 15th, 2013. Debtors did file those returns
10 prior to the 341 meeting, and have since provided those returns to the Trustee, and
11 provided the returns to the IRS Bankruptcy Specialist, Mr. Potter. See, *Andrew Drakes*
12 *Declaration*. In addition, it now appears that the IRS has amended Claim #1 (attached
13 hereto as exhibit 1), and per this amended claim both the 2011 and 2012 are confirmed
14 as filed.

15 Second, while Debtors disagree with trustee's second objection given that their
16 first Amended Plan as to Section IV.E.2.a was clear on its face because Section IV.E.2.a
17 was clearly marked, and 2.b was not. Nonetheless, Debtors have filed a 2nd Amended
18 Plan (Docket #21) addressing this issue. The 2nd Amended Plan redacts the figure in
19 2.b, and leaves 2.a marked. (Docket #21).

20 For the foregoing reasons, Debtors request that their 2nd Amended Plan, dated
21 May 24th, 2013 be confirmed.

22 Dated this _29_ day of May, 2013

23 IN PACTA PLLC

24 /s/James Vasquez

James Vasquez, WSBA#34514

Attorney for Debtors

REPLY

Page 2 of 3

IN PACTA PLLC
801 2nd Ave Suite 307
Seattle, Washington 98104
(206) 709-8281
(206) 860-0178 (fax)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

REPLY

Page 3 of 3

IN PACTA PLLC
801 2nd Ave Suite 307
Seattle, Washington 98104
(206) 709-8281
(206) 860-0178 (fax)